

Attorney's Docket 081468-0306683  
Client Reference: P-1631.010-US

RECEIVED  
CENTRAL FAX CENTER

MAY 23 2006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re PATENT APPLICATION of:  
JEUNINK, ET AL.

Confirmation No: 8058

Application No.. 10/712,264

Group Art Unit: 2851

Filed: November 14, 2003

Examiner: FULLER, Rodney Evan

Title: LITHOGRAPHIC APPARATUS, DEVICE MANUFACTURING METHOD, AND  
COMPUTER-READABLE STORAGE MEDIUM


Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

CERTIFICATION OF FACSIMILE TRANSMISSION  
UNDER 37 C.F.R. §1.8

I hereby certify that the following papers are being facsimile transmitted to  
**Examiner Rodney E. Fuller** of the Patent and Trademark Office at **(571) 273-8300** on the date shown below:

- **Application for Patent Term Adjustment Under 37 C.F.R. § 1.705(b) w/ an Attachment**

PILLSBURY WINTHROP SHAW PITTMAN LLP

  
\_\_\_\_\_  
JOHN P. DARLING  
Reg. No. 44,482

Date: May 23, 2006  
P.O. Box 10500  
McLean, VA 22102  
Telephone (703) 770-7900  
Facsimile (703) 770-7901

(Certification of Facsimile Transmission—page 1)

Attorney Docket: 081468-0306683  
Client Reference: P-1631.010-US

RECEIVED  
CENTRAL FAX CENTER  
MAY 23 2006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re PATENT APPLICATION of: JEUNINK et al. Confirmation Number: 8058

Application No.: 10/712,264

Group Art Unit: 2851

Filed: November 14, 2003

Examiner: Fuller, Rodney Evan

Title: LITHOGRAPHIC APPARATUS, DEVICE MANUFACTURING METHOD, AND  
COMPUTER-READABLE STORAGE MEDIUM

APPLICATION FOR PATENT TERM ADJUSTMENT  
UNDER 37 C.F.R. § 1.705(b)

Mail Stop Issue Fee  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicants respectfully request reconsideration of the Patent Term Adjustment indicated in the Determination of Patent Term Adjustment under 35 U.S.C. 154(b) dated March 10, 2006, for the above-identified application.

37 C.F.R. § 1.705(b)(1) – The undersigned authorizes the charging of Deposit Account No. 03-3975 in the amount of \$200.00 for this application.

37 C.F.R. § 1.705(b)(2) – Statement of the facts involved:

37 C.F.R. § 1.705(b)(2)(i) – The correct patent adjustment for the above-identified application is 49 days.

37 C.F.R. § 1.705(b)(2)(ii) - The above-identified application was filed November 14, 2003. Fourteen months from the filing date was January 14, 2005. A first Office Action on the merits was mailed March 4, 2005, 49 days after the fourteen month date. Under 35 U.S.C. §

JEUNINK ET AL. -- 10/712,264  
Client/Matter: 081468-0306683

154(b)(1)(A)(i) and 37 C.F.R. § 1.703(a)(1), the above-identified application is entitled to a patent term adjustment for this examination delay.

37 C.F.R. § 1.705(b)(2)(iii) – Although the claims were rejected under the judicially created doctrine of obviousness-type double patenting, Applicants' response overcame the rejection and the above-identified application is not subject to a terminal disclaimer.

37 C.F.R. § 1.705(b)(2)(iv)(B) - The March 4, 2005 Office Action contained an error in the applicable prior art reference, making it impossible for Applicants to reply to the Office Action correctly. Applicants representative contacted the Examiner on April 5, 2005 and requested clarification of the applied prior art reference.

The Examiner issued a new Office Action on April 22, 2005 and restarted the shortened statutory period for reply. See page 2 of the April 22, 2005 Office Action.

Applicants timely replied to the April 22, 2005 Office Action on July 21, 2005. No extension of time was necessary. The July 21, 2005 response did not constitute a failure to engage in reasonable efforts to conclude processing or examination of the above-identified application because it was timely filed, without extension, in response to the April 22, 2005 Office Action.

Attached hereto are is the Patent Application Information Retrieval (PAIR) page for the above-identified application which clearly shows that the April 22, 2005 Office Action reset the shortened statutory period for reply.

JEUNINK ET AL. - 10/712,264  
Client/Matter: 081468-0306683

Please charge any fees associated with the submission of this paper to Deposit Account Number 03-3975. The Commissioner for Patents is also authorized to credit any over payments to the above-referenced Deposit Account.

Respectfully submitted,

PILLSBURY WINTHROP SHAW PITTMAN LLP



John P. Darling, Reg. No. 44,482

P.O. Box 10500  
McLean, VA 22102  
(703) 770-7900  
(703) 770-7901 (Fax)

Date: May 23, 2006

Attachment: PAIR page

10/712,264 LITHOGRAPHIC APPARATUS, DEVICE MANUFACTURING METHOD, AND  
COMPUTER-READABLE STORAGE MEDIUM

Application Data	Transaction History	Image File Wrapper	Patent Term Adjustments	Continuity Data	Published Documents	Publication Dates	Addressing History/Agent
---------------------	------------------------	-----------------------	----------------------------	--------------------	------------------------	----------------------	-----------------------------

**Transaction History**

Date	Transaction Description
03-10-2006	Mail Notice of Allowance
03-10-2006	Mail Examiner's Amendment
03-07-2006	Notice of Allowance Data Verification Completed
03-07-2006	Case Docketed to Examiner in GAU
03-06-2006	Examiner's Amendment Communication
02-23-2006	Date Forwarded to Examiner
02-17-2006	Amendment after Final Rejection
11-21-2005	Mail Final Rejection (PTOL - 326)
11-18-2005	Final Rejection
09-14-2005	Date Forwarded to Examiner
07-21-2005	Response after Non-Final Action
04-22-2005	Mail Notice of Restarted Response Period
04-18-2005	Letter Restarting Period for Response (i.e. Letter re: References)
03-04-2005	Mail Non-Final Rejection
03-01-2005	Non-Final Rejection
05-03-2004	IFW TSS Processing by Tech Center Complete
05-03-2004	Case Docketed to Examiner in GAU
04-23-2004	Application Return from OIPE
04-23-2004	Application Is Now Complete
04-23-2004	Application Return TO OIPE
04-23-2004	Application Return from OIPE
04-23-2004	Application Return TO OIPE
04-23-2004	Application Dispatched from OIPE
04-23-2004	Application Is Now Complete
04-15-2004	Payment of additional filing fee/Preexam
04-15-2004	A statement by one or more inventors satisfying the requirement under 35 USC 115, Oath of the Applicant
02-19-2004	Notice Mailed--Application Incomplete--Filing Date Assigned
02-02-2004	Cleared by OIPE CSR
12-17-2003	IFW Scan & PACR Auto Security Review
11-14-2003	Initial Exam Team nn

*If you need help:*

- Call the Patent Electronic Business Center at (866) 217-9197 (toll free) or e-mail [EBC@uspto.gov](mailto:EBC@uspto.gov) for specific questions about Patent Application Information Retrieval (PAIR).
- Send general questions about USPTO programs to the [USPTO Contact Center \(UCC\)](#).
- If you experience technical difficulties or problems with this application, please report them via e-mail to [Electronic Business Support](#) or call 1 800-786-9199.